IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

Bail Appl..No. 7052 of 2007()

CRIME NO. 899/07 OF THODUPUZHA POLICE STATION

PETITIONER

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1. GEORGEKUTTY @ INNOCENT, S/O. MATHEW,
   AGED 30, KALLOORKUNNEL HOUSE, PERUMPILLYCHIRA,
   KUMARAMANGALAM VILLAGE.

2. MATHEW, S/O. AUGUSTY, AGED 65 YEARS
   KALLOORKUNNEL HOUSE, PERUMPILLYCHIRA
   KUMARAMANGALAM VILLAGE.

BY ADV. SRI.C.P.SAJI

RESPONDENTS:

THE SUB INSPECTOR OF POLICE,
THODUPUZHA POLICE STATION, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 7052 of 2007

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Dated this the 20th day of November, 2007

O R D E R

Application for anticipatory bail. The petitioners are joint owners of an item of property. They had allegedly entered into an agreement with the defacto complainant for sale of that property. An amount of Rs. 5 lakhs was received as advance. The petitioners are not standing by their commitment to assign the property in favour of the defacto complainant. The defacto complainant had therefore filed a petition before the superior officials of the police, which complaint has been forwarded to the Thodupuzha police station and crime has been registered. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners prays, the learned Prosecutor does not oppose the said prayer and I am satisfied that anticipatory bail can be granted to the petitioners, subject to appropriate terms and conditions. I take note of the submission of the learned counsel for the petitioners that the

dispute is one which is civil in nature and criminal adjudicatory process has been pressed into service by the defacto complainant to coerce the petitioner to accept unreasonable terms.

3. In the result:

(1) These applications are allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall surrender before the learned Magistrate on 27.11.2007 at 11 a.m. The learned Magistrate shall release the petitioners on regular bail on condition that they execute bonds for Rs.1,00,000/- (Rupees one lakh only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 28.11.07 and 29.11.2007. During this period, the Investigating Officer shall be at liberty to interrogate the petitioners in custody and take all necessary steps for the proper investigation of the crimes. Thereafter they shall make themselves available for interrogation on all

Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 27.11.07 and the police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(d) If the petitioners were arrested prior to their surrender on 27.11.2007 as directed in clause (1) above, they shall be released on bail on their executing bonds for Rs.50,000/- each without any surety undertaking to appear before the learned Magistrate on 27.11.2007.

(R. BASANT)
Judge

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